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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,708	02/10/2004	Sik-Leung Chan	CHU/284/US	3855
2543	7590	12/22/2005	EXAMINER	
Alix Yale & Ristas LLP			Gabler, Philip Francis	
750 Main Street				
Suite 1400			ART UNIT	PAPER NUMBER
Hartford, CT 06103			3637	

DATE MAILED: 12/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/775,708 Examiner Philip Gabler	CHAN, SIK-LEUNG Art Unit 3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 10 February 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-6,8-12 and 15-17 is/are rejected.
- 7) Claim(s) 7,13 and 14 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 2/10/2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Specification***

1. The disclosure is objected to because of the following informalities: there are a number of grammatical and typographical errors. For instance, the word "is" on line 13 of page 12 should read "if," and "Switch is" on line 14 of page 12 should read "Switches."

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claim 2 recites the limitation "said fingers" in line 4. There is insufficient antecedent basis for this limitation in the claim. Only one finger had been recited prior to the mention of "said fingers" in claim 2.
4. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrases "indexing rings" and "indexing pins" on lines 4 and 6 respectively of claim 8 are unclear. The disclosure does not indicate how the modifier "indexing" limits the components it is associated with. Accordingly, the term "indexing" was broadly interpreted for examination purposes.

5. Claims 9 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite because they are dependent on indefinite claim 8.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 2, and 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Chan (US Patent Number 6238022). Chan (Figure 4) discloses a disc storage unit comprising a case (10), a tray (21 and interior of 10) supported by the case and configured to support an array of discs in respective parallel substantially vertical planes across which respective coaxial axes of the discs pass substantially horizontally, a disc-raising mechanism (23) comprising a finger (viewed as A in Exhibit 1) activatable to lift one of the discs from the tray within its respective plane to thereby render the disc non-coaxial with other discs that might be supported by the tray, and an indexing mechanism (15) configured to cause the disc-raising mechanism to raise others of said discs in a like manner.

8. Regarding claim 2, Chan discloses a raising mechanism comprising a pivot bar (B) to which there is slidably mounted a carriage beam (24) from which a plurality of fingers (23) extend.

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9. Regarding claim 10, Chan discloses a disc storage unit further comprising a disc positioner (21) and comprising a plurality of slots through which individual discs pass.

10. Regarding claim 11, Chan discloses a disc storage unit further comprising a cover (11) attached hingedly to the case and covering any discs stored therein.

11. Regarding claim 12, Chan discloses a disc storage unit further comprising fingers (23) spaced equally along the pivot bar capable of being made to co-operate with every  $n^{\text{th}}$  disc.

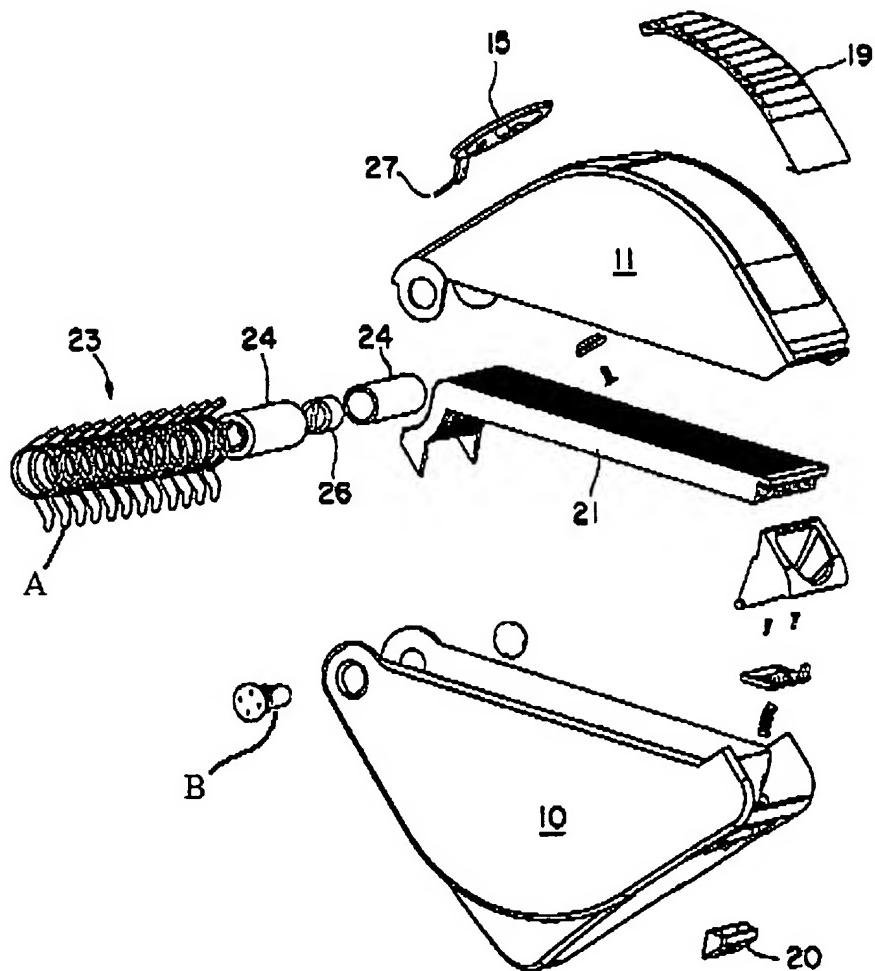


Exhibit 1: Chan '022 Figure 4

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12. Claims 1-6, 10-12, and 16-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Bando (US Patent Number 5790485). Bando (Figures 1, 2, 9, and 10) discloses a disc storage unit comprising a case (1), a tray (6) supported by the case and configured to support an array of discs in respective parallel substantially vertical planes across which respective coaxial axes of the discs pass substantially horizontally, a disc-raising mechanism (8) comprising a finger (47b) activatable to lift one of the discs from the tray within its respective plane to thereby render the disc non-coaxial with other discs that might be supported by the tray, and an indexing mechanism (7) configured to cause the disc-raising mechanism to raise others of said discs in a like manner.

13. Regarding claim 2, Bando discloses a raising mechanism comprising a pivot bar (47c and 48c) to which there is slidably mounted a carriage beam (47a and 47a) from which a plurality of fingers (47b and 48b) extend.

14. Regarding claim 3, Bando discloses fingers that are curved to substantially follow an arc of the periphery of the discs.

15. Regarding claim 4, Bando discloses an electric motor (27) for operating the pivot bar.

16. Regarding claim 5, Bando discloses a gearbox (28) that reduces output speed of the electric motor (not discussed, but would clearly be the case based on Bando's figures) and drives the pivot bar by way of shaft (21), gear (33), etc.

17. Regarding claim 6, Bando discloses a belt drive (24) between pinions (22) and (25).

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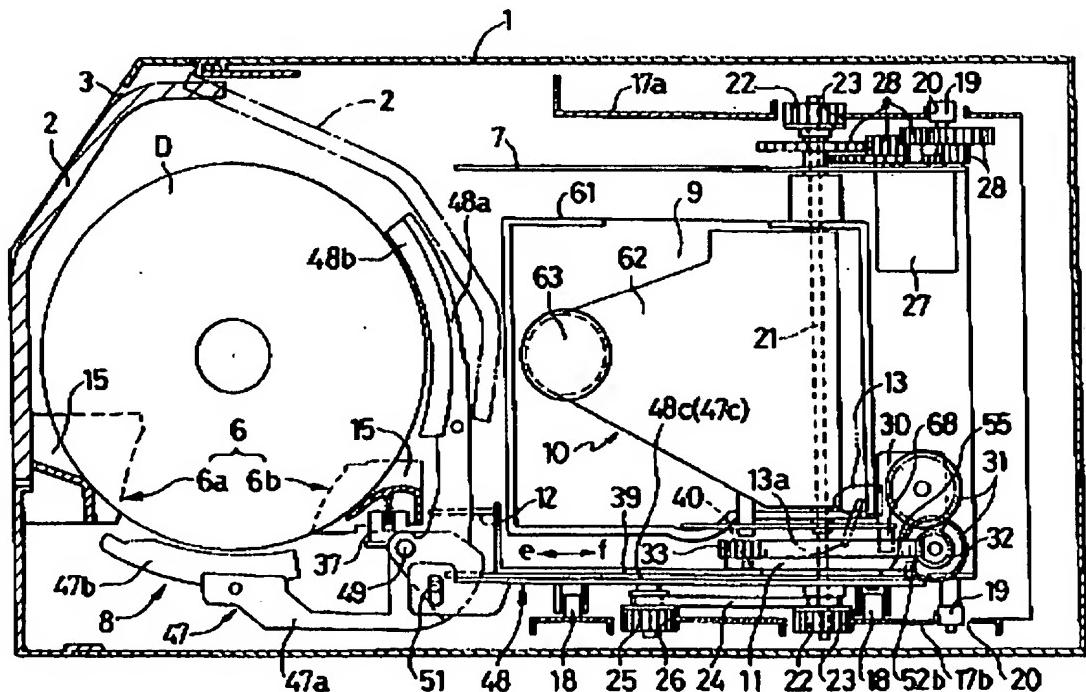
18. Regarding claim 10, Bando discloses a disc positioner (15) affixed to the case and comprising a plurality of slots through which individual discs pass.

19. Regarding claim 11, Bando discloses a cover (2) attached hingedly to the case and covering any discs stored therein.

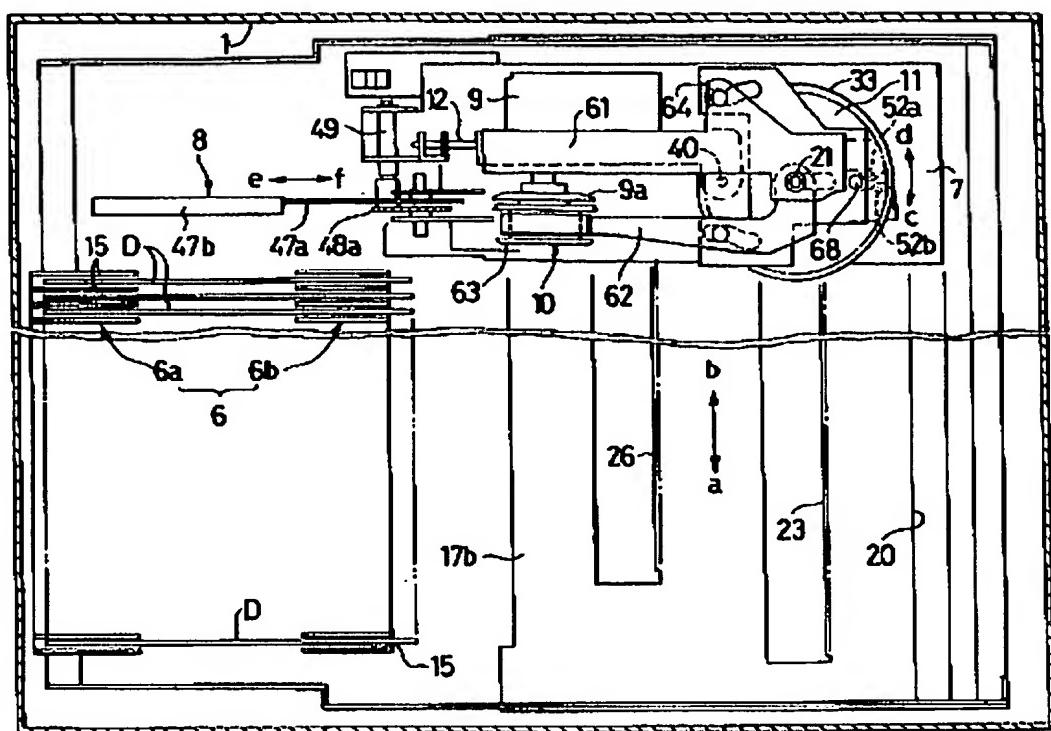
20. Regarding claim 12, Bando discloses fingers space along the pivot bar capable of cooperating with every  $n^{\text{th}}$  disc.

21. Regarding claim 16, Bando discloses a cover (2) attached hingedly to the case and covering any of the discs stored therein and a first safety switch (81) associated with the motor and closes upon closing the cover.

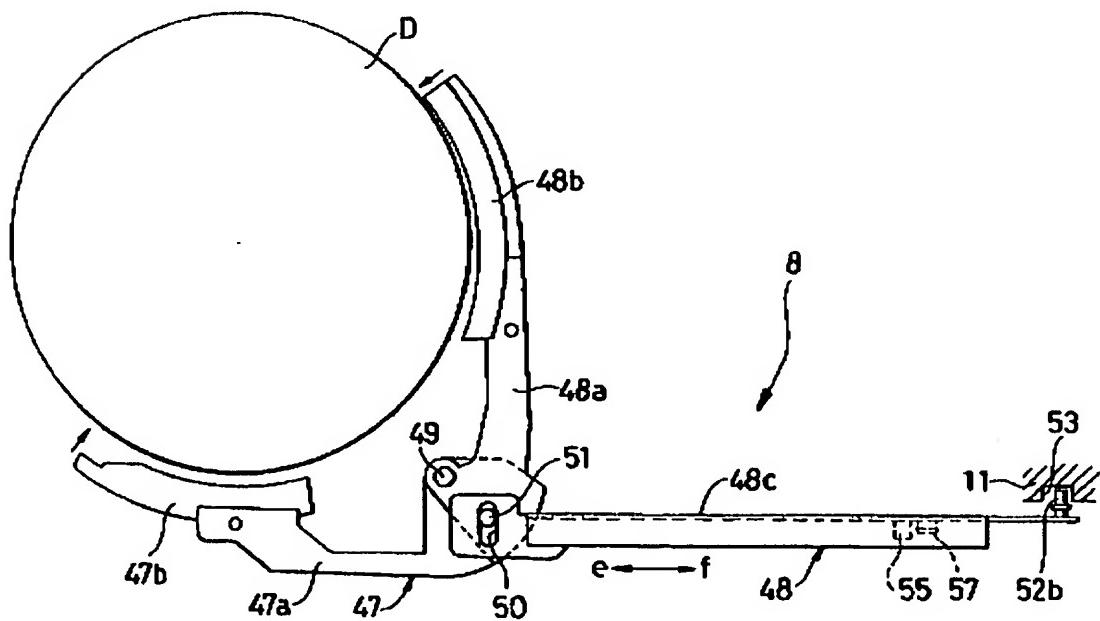
22. Regarding claim 17, Bando discloses a second safety switch (13) associated with the disc raising mechanism and closed when one of the discs is raised from the tray.



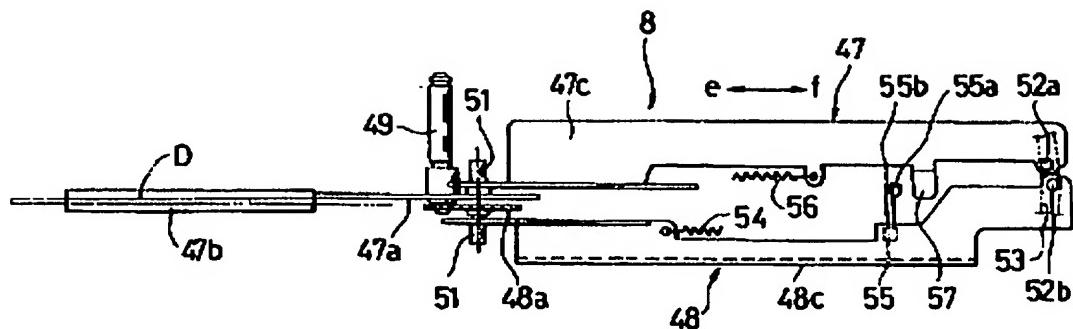
Bando '485 Figure 1



Bando '485 Figure 2



Bando '485 Figure 9



Bando '485 Figure 10

***Allowable Subject Matter***

23. Claims 7, 13, and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
24. Claims 8, 9, and 15 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Ma reference (US Patent Number 6215264) is cited for disclosing a motorized disc storage unit. The Bader (US Patent Number 1878659) and Kuzara (US Patent Number 5584544) references are cited for disclosing various recorded media storage systems.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Gabler whose telephone number is (571) 272-6038. The examiner can normally be reached on Monday through Friday, 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PFG /b  
12/14/2005

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